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Attorneys for Defendants
Kanag'iq Construction Co., Inc. &
Western Surety Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.)

Case No. A05-170 Civil (JKS)

[PROPOSED]

**ORDER GRANTING MOTION FOR RULE OF LAW
AND PARTIAL SUMMARY JUDGMENT REGARDING SUBCONTRACT**

Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY
COMPANY, by and through their counsel, Eide, Gingras & Pate, P.C., moved for a rule
of law and partial summary judgment regarding the subcontract in this matter. The

1 motion was made pursuant to Federal Rule of Civil Procedure 56. This Court has
2 considered the motion, all accompanying documents, and any response.

3 IT IS ORDERED that Defendants' Motion for Rule of Law and Partial Summary
4 Judgment is GRANTED:

- 5 (1) The subcontract at issue is an integrated contract;
6 (2) The subcontract at issue is a unit price contract;
7 (3) The subcontract incorporated by reference the provisions of the main
8 contract; and
9 (4) The subcontract was extended by option with the main contract in 2001 and
10 2002.

11 DATED at Anchorage, Alaska this _____ day of June 2006.

12
13 By: _____
14 The Honorable James K. Singleton, Jr.
15 United States District Court Judge

16 **CERTIFICATE OF SERVICE**

17 DONNA CHARTER certifies as follows:

18 That I am a legal secretary employed by the
19 law firm of Eide, Gingras & Pate, P.C. That
20 on this 19th day of June 2006, I served

21 [x] electronically

22 a true and accurate copy of the foregoing
23 document upon the following counsel of record:

24 Attorneys for Plaintiff:

25 Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, Alaska 99503

EIDE, GINGRAS & PATE, P.C.

By s/Donna Charter
Donna Charter

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